IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

Bail Appl..No. 7060 of 2007()

CRMP.3649/2007 of II ADDL. DISTRICT COURT, KOLLAM
CMP.4995/2007 of J.M.F.C.-I, PUNALUR
CRIME NO.359/07 OF ANCHAL POLICE STATION, KOLLAM.

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PETITIONER/ACCUSED

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1. AJAS,S/O.ALIYARU, KOCHUVILA VEEDU
   PALLIKKAL MURI, MYLOM VILLAGE, KOTTARAKARA
   PIN 691 560.

2. JIJO,S/O.THOMAS,JIJI BHAVAN
   PANDITHITTA RANDALUMMOODU, THALAVOOR
   KOTTARAKARA PIN 691 514.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY THE
   PUBLIC PROSECUTOR,HIGH COURT OF KERALA
   ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE
   ANCHAL POLICE STATION, KOLLAM DISTRICT
   PIN 691 506.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 7060 of 2007

Dated this the 20th day of November, 2007

ORDER

Application for regular bail. The petitioners are accused 1 and 2. They face allegations in a crime registered under Sec.394 read with Sec.34 of the IPC. The crux of the allegations against the petitioners is that they attempted to forcibly take away an autorikshaw from the possession of its owner. The petitioners were arrested on 29/10/07. They continue in custody from that date.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. They are authorised representatives of the hire purchase company entitled to take re-possession of the vehicle on the instruction of such company. There was no force employed at all by the petitioners. In these circumstances, at any rate, the petitioners, who have remained in custody from 29/10/07, may now be enlarged on bail, submits the learned counsel for the

petitioners.

3. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor submits that appropriate conditions may be imposed on the petitioners.

4. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.75,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT, JUDGE)

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